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MICHAEL R. BOND  
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May 26, 2009

**VIA E-MAIL [LBULLOCK@BULLOCK-BLAKEMORE.COM](mailto:LBULLOCK@BULLOCK-BLAKEMORE.COM)**

Mr. Louis W. Bullock  
Bullock, Bullock & Blakemore, PLLC  
110 West 7th Street, Suite 707  
Tulsa, Oklahoma 74119-1031

Re: *State of Oklahoma, et al. v. Tyson Foods, Inc., et al.*  
U.S. District Court Case No. 05-CV-00329-GKF-PJC

Dear Louis:

I am sending this letter in response to the State's continued production of sampling data in this case. As you are aware, under the Court's scheduling order, Plaintiff's Expert Reports were due on May 15, 2008. Despite the submission of final reports, the State continues to produce sampling data and expert analysis collected and performed subsequent to the May 15, 2008 deadline. This data is untimely, the State's Experts could not have relied on this information when preparing their reports, and Tyson Foods objects to its use at trial as evidence or support for the expert opinions offered by the State, in any form (whether in summaries, charts or other exhibits) or for any other purpose. This includes information that Plaintiffs attempted to submit through "supplements" and errata that have been rejected by the Court, and to exhibits that Plaintiffs have shown to defense experts in an attempt to introduce this late data into the case.

Though this objection applies to all untimely data contained in the State's production, Tyson Foods specifically objects to the data and analysis contained in bates numbers STOK0054739 through STOK0058422. These documents include all information contained in STOK\_CD70 through STOK\_CD105 and several recent productions via e-mail. Further, the recent e-mail productions (STOK0058394 through STOK0058422) and any sampling data the State still plans to introduce are not only untimely, but also violate the Court's April 16, 2009, discovery deadline. If the State intends to produce any of this information at trial, Tyson Foods will be forced to object and challenge its admission.

**Exhibit FF**

**KUTAK ROCK LLP**

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July 20, 2009

**VIA E-MAIL [LBULLOCK@BULLOCK-BLAKEMORE.COM](mailto:LBULLOCK@BULLOCK-BLAKEMORE.COM)**

Mr. Louis W. Bullock  
Bullock, Bullock & Blakemore, PLLC  
110 West 7th Street, Suite 707  
Tulsa, Oklahoma 74119-1031

Re: *State of Oklahoma, et al. v. Tyson Foods, Inc., et al.*  
U.S. District Court Case No. 05-CV-00329-GKF-PJC

Dear Louis:

This letter is in response to the State's June 18, 2009 and July 8, 2009 letters and continued production of sampling data in this case. In its June 18 letter, the State defended its continued production of sampling data after the April 16, 2009 discovery deadline by classifying the production as a supplementation in compliance with two previous Court Orders. Tyson Foods disagrees with the State's classification of this production as a supplementation and further objects to any intention of the State to introduce or rely on these materials at trial regardless of whether the State's duty to supplement includes this untimely sampling data. As noted in my May 26, 2009 letter, this data can only be useful in the context of an expert opinion, and as the State is well aware, its expert reports were due on May 15, 2008. The State's experts could not have relied on this information when preparing their reports or even when preparing their improper supplements and errata. The duty to supplement is not meant to permit a party to create and rely on new evidence up to the day of trial.

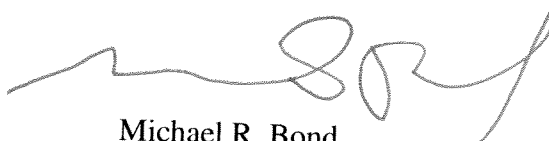
As noted in my May 26, 2009 letter, Tyson Foods objects to all untimely data contained in the State's production. This objection applies to the June 18, 2009 (STOK0058433-STOK0058435) and July 8, 2009 (STOK0058436-STOK0058450) productions as well as all other untimely productions as identified in my previous letter on this issue. If the State intends to rely on or otherwise introduce any of this information at trial, Tyson Foods will be forced to object and challenge its admission.

**KUTAK ROCK LLP**

Mr. Louis W. Bullock  
July 20, 2009  
Page 2

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Bond", with a stylized flourish extending from the end.

Michael R. Bond

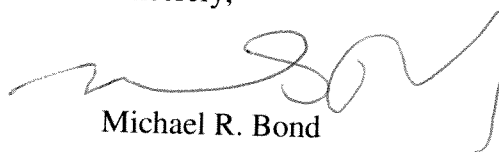
cc: All Counsel of Record

**KUTAK ROCK LLP**

Mr. Louis W. Bullock  
May 26, 2009  
Page 2

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "MRB", is written over the printed name.

Michael R. Bond

cc: All Counsel of Record